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7 Attorneys for Defendant  
8 Yi Kerry Xu

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UNITED STATES DISTRICT COURT  
NORTHERN DIVISION OF CALIFORNIA  
SAN FRANCISCO DIVISION

U.S. COMMODITY FUTURES  
TRADING COMMISSION AND THE  
COMMISSIONER OF  
CORPORATIONS OF THE STATE OF  
CALIFORNIA,

Plaintiffs,

vs.

NATIONAL INVESTMENT  
CONSULTANTS, INC., a California  
Corporation, PACIFIC BEST GROUP,  
LTD., aka PACIFIC BEST COMPANY  
LTD., a British Virgin Islands  
Corporation, YI KERRY XU, an  
individual, RUN PING ZHOU  
a.k.a. FLORA ZHOU and WEI M. TSE,  
aka RAYMOND TSE, an individual,

Defendants.

And

THERESA C. WONG, an individual,

Relief Defendant.

CASE NO. 05-2641 JSW

**DEFENDANT YI KERRY XU'S REQUEST  
TO APPEAR BY TELEPHONE**

1       Defendant Yi Kerry Xu hereby requests to appear through counsel by telephone for the  
2 Case Management Conference hearing set for November 4, 2005 09:00 a.m. immediately  
3 following the hearing on the Motion to Dismiss in Courtroom 2 on the 17<sup>th</sup> Floor of the Federal  
4 Building, 450 Golden Gate Avenue, San Francisco, California.

5       Defendant Yi Kerry Xu is not a party to the motion to dismiss, and Defendant's counsel  
6 is located in Los Angeles, California. The Court gave its advance permission to this request on  
7 August 26, 2005 during the hearing on the CFTC's Motion for Preliminary Injunction.

8       On the date of the hearing, counsel John W. Cotton can be reached at 213/312-1336.

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10      Dated: August 23, 2005

JOHN W. COTTON  
COTTON & GUNDZIK LLP

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14                    /s/John W. Cotton  
15                    John W. Cotton  
16                    Attorney for Defendant  
17                    Yi Kerry Xu

18      IT IS SO ORDERED.

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20      Dated: October 25, 2005

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Jeffrey S. White  
Honorable Jeffrey S. White

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